

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.3298 OF 2004

Shyam Krishna Dayalkar .. Applicant.
Vs.
Inspector Esqur & Anr. .. Respondents.

Mr.Y.J.Master for the applicant.
Mr.V.B.Konde-Deshmukh APP for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 9TH AUGUST, 2004

P.C.:

. Heard Mr.Master, learned counsel for the applicant and Mr.Konde-Deshmukh, learned A.P.P. for the respondent.

2. This is the second application filed by the applicant seeking bail in this court. His earlier application bearing Criminal Application No.1728 of 2003 was rejected on merits by this court on 1.7.2003. Mr.Master, learned counsel for the applicant submits that there is change of circumstance which entitles the applicant to be released on bail. According to Mr.Master, the applicant has been granted bail in another case after 1.7.2003 i.e. after rejection of his bail application by this court and in view thereof he is

entitle to be enlarged on bail in the instant case. It is apparent from the order passed by this court dated 1.7.2003 that the application was rejected on merits holding that no prima facie case is made out by the applicant for his release on bail. In my opinion, the order granting bail in some other case cannot be termed as change of circumstance particularly in a case where the earlier application for bail has been rejected on merits. The application is rejected.

(D.B.Bhosale, J.)